

Docket No.: CL-10389
Application No.: 10/501,015
Amendment Date: February 13, 2006
Reply of Office Action of: October 6, 2006

REMARKS/ARGUMENTS

Claims 1-5 are currently pending in the application. Applicant requests reconsideration in view of the following remarks and arguments.

Examiner rejects claims 1-5 under 35 U.S.C. Section 103(a) as being unpatentable over Applicant Admitted Prior Art (AAPA). Applicant respectfully traverses this rejection.

Claim 1 is directed to a method of silk screen printing. The method includes a step of coating a diagonal screen made of a screen fabric having a mesh count of 200-300 with a light sensitive emulsion, followed by drying the coated screen, as disclosed on page 2, lines 21-23. The method also includes a step of placing a film of 40-60 lines and 60-70 dot percentages on the screen and exposing the screen having the film placed thereon to ultra-violet light for 1-2 min. The method further includes washing out the screen areas which have not been exposed to the light and performing screen printing and ink curing.

Examiner argues that the limitations of claim 1 are AAPA as disclosed in the specification on pages 2-3. However, Applicant respectfully points out that there is a lot of language on pages 2-3 of the specification and that none of it is AAPA. Examiner does not indicate what he feels constitutes AAPA so Applicant is left to guess, which he declines to do. Applicant believes that Examiner cannot properly construe any language on pages 2-3 as being AAPA and Examiner has provided no explanation as to why he can.

As recently stated by the Federal Circuit in *In re Peterson*, 65 USPQ2d 1379, 1383 (Fed. Cir. 2003), involving ranges of chemical compositions, “[T]he existence of overlapping or encompassing ranges shifts the burden to the applicant to show that his invention would not have been obvious...” In general, an applicant may overcome a prima facie case of obviousness by establishing “that the claimed range is critical, generally by showing that the claimed range

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achieves unexpected results relative to a prior art range. Applicant believes that this same standard applies when, as here, Applicant seeks to optimize certain variables by selecting narrow ranges from broader ranges to provide a printed object of higher quality.

Applicant has found that a printed object of higher quality can be provided by using a diagonal screen with a mesh count in a certain range and a film with a number of lines and dot percentages in a certain range. Applicant agrees that the ranges of claim 1 result in silk screen printing an object of natural and high quality, as stated by Examiner, which is why applicant is claiming these ranges as his invention and they are not AIPA.

The method of claim 1 also includes a step of drying the coated screen. Examiner argues that Applicant admits that drying the coated screen is prior art on page 3, line 6. Applicant respectfully disagrees. On page 3, line 6-8, the specification states, in the section entitled "BEST MODE FOR CARRYING OUT THE INVENTION," that "an ink curing process is carried out by use of a UV lamp, in which the lamp is exemplified by a mercury lamp or a metal lamp having intensity of illumination of 1500-1800 lux". Applicant fails to see how this could be AIPA and, once again, Examiner has provided no explanation.

Claim 1 also includes a step of exposing the screen having the film placed thereon to ultra-violet light for 1-2 min. Claim 1 further includes a step of washing out the screen areas which have not been exposed to the light and performing screen printing and ink curing. Applicant respectfully points out that Examiner has not shown where these limitations are shown in the prior art. Further, Examiner has not indicated that these limitations are a part of the Applicants Admitted Prior Art. Examiner is reminded that to establish a prima facie case of obviousness, a prior art reference (or references when combined) must ***teach or suggest all of the claim limitations*** (See MPEP 2143). Examiner has not provided any references that teach or suggest all of the claim limitations of claim 1. Hence, Applicant believes that Examiner has not established a prima facie case of obviousness with respect to claim 1.

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Applicant respectfully points out that claims 2-5 are dependent claims depending from independent claim 1. If an independent claim is non-obvious under 35 U.S.C. 103, then any claim depending therefrom is non-obvious (See MPEP 2143.03). Since claim 1 is non-obvious, as stated above, claims 2-5 are also non-obvious.

Claim 4 is directed to the method as defined in claim 1 wherein a distance between a coater and a squeegee is 5.2 cm and Claim 5 is directed to the method as defined in claim 1 wherein a squeegee angle is 45°. Applicant points out that Examiner has not indicated where these limitations are found in the prior art. Hence, Applicant believes that Examiner has not established a prima facie case of obviousness with respect to claims 4 and 5.

CONCLUSION

Applicant respectfully requests reconsideration of this application. Applicant believes that claims 1-5 are in condition for allowance. Because of this, Applicant requests a timely Notice of Allowance. If any fees, including extension of time fees are due as a result of this response, please charge Deposit Account No. 19-0513. This authorization is intended to act as a constructive petition for an extension of time, should an extension of time be needed as a result of this response. Examiner is invited to telephone the undersigned if this would in any way advance the prosecution of this case.

Respectfully submitted,

Date: February 13, 2007

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